

*Small***WOOD, HERRON & EVANS, LLP**

BRUCE TITTEL  
 DONALD F. FREI  
 DAVID S. STALLARD  
 J. ROBERT CHAMBERS  
 GREGORY J. LUNN  
 KURT L. GROSSMAN  
 CLEMENT H. LUKEN, JR.  
 THOMAS J. BURGER  
 GREGORY F. AHRENS  
 WAYNE L. JACOBS  
 KURT A. SUMME  
 KEVIN G. ROONEY  
 KEITH R. HAUP  
 THEODORE R. REMAKLUS  
 THOMAS W. HUMPHREY  
 SCOTT A. STINEBRUNER  
 DAVID H. BRINKMAN  
 BEVERLY A. LYMAN, Ph.D.  
 KRISTI L. DAVIDSON

2700 CAREW TOWER  
 441 VINE STREET  
 CINCINNATI, OHIO 45202-2917  
 TELEPHONE: 513-241-2324  
 FACSIMILE: 513-241-6234  
 WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
 TRUMAN A. HERRON 1935-1976  
 EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
 C. RICHARD EBY  
 DAVID E. PRITCHARD

KATHRYN E. SMITH  
 P. ANDREW BLATT, Ph.D.  
 DAVID E. JEFFERIES  
 WILLIAM R. ALLEN, Ph.D.  
 JOHN PAUL DAVIS  
 DOUGLAS A. SCHOLER  
 BRETT A. SCHATZ  
 DAVID W. DORTON  
 SARAH OTTE GRABER  
 STEVEN W. BENINTENDI, Ph.D.  
 RANDALL S. JACKSON, JR.

OF COUNSEL  
 JOHN D. POFFENBERGER  
 DAVID J. JOSEPHIC  
 THOMAS W. FLYNN  
 J. DWIGHT POFFENBERGER, JR.

**RECEIVED**  
**CENTRAL FAX CENTER**  
**MAY 31 2005**

**TELECOPIER COVER SHEET**

The information in this facsimile message is intended only for the use of the individual or entity to whom this fax is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via United States Postal Service. Thank you.

**DATE:** May 31, 2005

**RE:** Conf. No. 4023; Serial No. 10/622,207; Filed: July 18, 2003; For: Method and Apparatus for Performing Catheter-Based Annuloplasty; Applicants: Edwin J. Hlavka et al.; Our Ref. No.: MICO-06C

**TO:** Examiner William H. Matthews **FROM:** Kevin G. Rooney  
 Group Art Unit 3739

**FAX NO.:** 703-872-9306

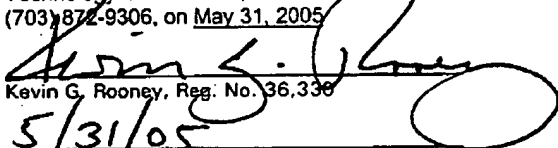
**TOTAL PAGES:** 16  
 (including cover sheet)

If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for Melanie. **OUR FAX NUMBER IS (513) 421-7269.**

**MESSAGE/COMMENTS****OFFICIAL****PLEASE DELIVER TO EXAMINER MATTHEWS IMMEDIATELY**

Enclosures: Amendment Transmittal (in duplicate) with authorization to charge deposit account for two month extension  
 Amendment (9 pgs.)

**RECEIVED**  
**JUN - 1 2005**  
**09:05/10:05**

<p align="center"><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b></p> <p>I hereby certify that this correspondence for Application No. 10/622,207 is being facsimile transmitted to Technology Center 3738, via Central Fax Number (703) 872-9306, on May 31, 2005.</p> <p> Kevin G. Rooney, Reg. No. 36,338</p> <p><u>5/31/05</u> Date</p>
---

**PATENT****RECEIVED  
CENTRAL FAX CENTER****MAY 31 2005**

Applicants: Edwin J. Hlavka et al.  
Ser. No.: 10/622,207  
Filed: July 18, 2003  
Group Art No.: 3739  
Examiner: William H. Matthews  
For: METHOD AND APPARATUS FOR PERFORMING CATHETER-BASED ANNULOPLASTY  
Confirmation No.: 4023  
Atty Ref.: MICO-06C

Cincinnati, Ohio 45202

May 31, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.
2.   X   Small Entity status is claimed.  
       Other than a Small Entity.

06/02/2005 AMONDAF1 00000051 233000 10622207

01 FC:2252 225.00 DA

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		LARGE ENTITY	
Claims Remaining After Amendment		Highest No. Previously Paid For		Extra	Present Rate	Fee	Present Rate	Fee
TOTAL	10	MINUS	12	= 0	x \$50	\$0	x \$25	\$0
INDEP.	2	MINUS	2	= 0	x \$100	\$0	x \$200	\$0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ \$180	\$0	+ \$360	\$0
TOTALS					TOTAL FEE	\$	TOTAL FEE	\$0

- ☆ If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 ☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 ☆☆☆ If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

  x   No additional fee for claims is required.

4. Attached is a check in the sum of \$           .

       Please charge my Deposit Account No. 23-3000 in the amount of \$           .

A duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a)   X   Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	Extension (months)	Fee for other than small entity	Fee for small entity
_____	one month	\$ 120.00	\$ 60.00
<u>X</u>	two months	\$ 450.00	\$225.00
_____	three months	\$1,020.00	\$510.00
_____	four months	\$1,590.00	\$795.00

X Charge fee to Deposit Account No. 23-3000. A duplicate of this petition is attached.

\_\_\_\_\_ Attached is a check in the amount of \$\_\_\_\_\_ for the two month extension fee as required by 37 C.F.R. § 1.17(c)

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

\_\_\_\_\_ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.

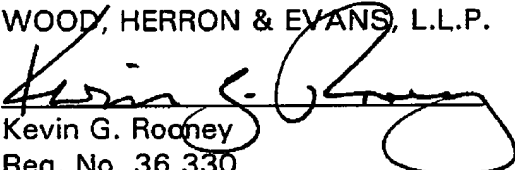
OR

(b) \_\_\_\_\_ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

XX If any additional fee for claims or extension of time is required, charge Account No. 23-3000. A duplicate of this transmittal is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

  
Kevin G. Rooney  
Reg. No. 36,330

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
(513) 241-2324

MAY 31 2005

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for  
Application No. 10/622,207 is being facsimile  
transmitted to Technology Center 3738  
via Central Fax Number (703) 872-9306, on  
May 31, 2005

  
Kevin G. Rooney, Reg. No. 36,350

5/31/05  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Edwin J. Hlavka et al.  
Ser. No.: 10/622,207  
Filed: July 18, 2003  
Group Art No.: 3739  
Examiner: William H. Matthews  
For: METHOD AND APPARATUS FOR PERFORMING CATHETER-  
BASED ANNULOPLASTY  
Confirmation No.: 4023  
Atty Ref.: MICO-06C

Cincinnati, Ohio 45202

May 31, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Sir:

**AMENDMENT**

In response to the Office Action mailed December 28, 2004, please  
amend the application as follows:

Amendments to the Claims begin on page 2.

Remarks begin on page 5.